UNITED
NATIONS

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General Assembly

Distr.
GENERAL

A/49/630
1 November 1994

ORIGINAL: ENGLISH

Forty-ninth session
Agenda item 148

THE SITUATION IN THE OCCUPIED TERRITORIES OF CROATIA

Report of the Special Political and Decolonization Committee (Fourth Committee)

Rapporteur: Mr. Dieudonné NDIAYE (Gabon)

I. INTRODUCTION

1. At its 3rd meeting, on 23 September 1994, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-ninth session the item entitled "The situation in the occupied territories of Croatia" and to allocate it to the Special Political and Decolonization Committee (Fourth Committee).

2. The Fourth Committee considered the item at its 9th meeting, on 21 October 1994 (see A/C.4/49/SR.9).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.4/49/L.4

3. At the 9th meeting, the representative of Bosnia and Herzegovina introduced a draft resolution entitled "The situation in the occupied territories of Croatia" (A/C.4/49/L.4), sponsored by Austria, Bosnia and Herzegovina, Croatia, Germany, Hungary, Iceland, Italy, Malaysia, the Netherlands, Pakistan, the Republic of Moldova, Slovenia, Turkey and the United States of America, joined subsequently by Azerbaijan, Bangladesh, the Czech Republic, Egypt, Iran (Islamic Republic of), Jordan, Malta, Senegal and Singapore.

4. At the same meeting, the Committee adopted draft resolution A/C.4/49/L.4 by a recorded vote of 111 to none, with 20 abstentions (see para. 5). 1/ The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Andorra, Argentina, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belgium, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Greece, Guinea, Guyana, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Spain, Sri Lanka, Sudan, Suriname, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: None.

Abstaining: Angola, Barbados, Belarus, Benin, Bolivia, China, Colombia, Ecuador, Guatemala, India, Lesotho, Mexico, Namibia, Paraguay, Russian Federation, South Africa, Togo, Venezuela, Zambia, Zimbabwe.

1/ Statements in explanation of vote were made by the representatives of the Russian Federation, Albania, Romania, Brazil, China and Bolivia.

III. RECOMMENDATION OF THE SPECIAL POLITICAL AND DECOLONIZATION COMMITTEE (FOURTH COMMITTEE)

5. The Special Political and Decolonization Committee (Fourth Committee) recommends to the General Assembly the adoption of the following draft resolution:

The situation in the occupied territories of Croatia

The General Assembly,

Reaffirming the relevant principles of the Charter of the United Nations and, in particular, the principle of inadmissibility of the acquisition of territory through the use of force,

Stressing the importance of efforts to restore peace in the entire territory of the Republic of Croatia as well as to preserve its territorial integrity within the internationally recognized borders, and emphasizing in this regard that the territories comprising the United Nations Protected Areas are integral parts of the territory of the Republic of Croatia,

Alarmed and concerned by the fact that the ongoing situation in the Serbian-controlled parts of Croatia is de facto allowing and promoting a state of occupation of parts of the sovereign Croatian territory, and thus seriously jeopardizing the sovereignty and territorial integrity of the Republic of Croatia,

Rejecting the odious policies and practices of "ethnic cleansing" and their consequences, and all other violations of international humanitarian law,

Emphasizing that the Serbian-controlled territories of Croatia must be peacefully reintegrated into the rest of the country, under the close supervision of the international community,

Stressing the importance of the mutual recognition of the international borders by all States in the region of the former Yugoslavia, and recalling all relevant Security Council resolutions on this matter,

1. Expresses its commitment to ensure respect for the sovereignty and territorial integrity of the Republic of Croatia;

2. Calls upon all parties and, in particular, the Federal Republic of Yugoslavia (Serbia and Montenegro), to comply fully with all Security Council resolutions regarding the situation in the Republic of Croatia, and to respect strictly its territorial integrity, and in this regard concludes that their activities aimed at achieving the integration of the occupied territories of Croatia into the administrative, military, educational, transportation and communication systems of the Federal Republic of Yugoslavia (Serbia and Montenegro) are illegal, null and void, and must cease immediately;

3. Requests the Federal Republic of Yugoslavia (Serbia and Montenegro) to cease immediately any military and logistic support to the self-proclaimed authorities in the Serbian-controlled parts of Croatia;

4. Strongly condemns the Serbian self-proclaimed authorities in the Serbian-controlled territories of Croatia for their militant actions that have resulted in "ethnic cleansing" of the United Nations Protected Areas, and their constant refusal to comply with the relevant Security Council resolutions;

5. Reaffirms its support for the principle that all statements or commitments in the Serbian-controlled parts of Croatia made under duress, particularly those regarding land and property, are wholly null and void;

6. Reaffirms also the right of all refugees and displaced persons from the area of the former Yugoslavia to return voluntarily to their homes safely and with dignity, with the assistance of the international community, and in this regard notes that the 1991 census is the basis for defining the population structure of the Republic of Croatia;

7. Urges the restoration of the authority of the Republic of Croatia in its entire territory and urges further the utmost respect for human and minority rights in the territory of Croatia, including the right to autonomy in accordance with the Constitution of the Republic of Croatia and established international standards, and efforts to achieve a political solution within the framework of the International Conference on the Former Yugoslavia;

8. Calls for mutual recognition between the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) within their existing internationally recognized borders;

9. Commends the persistent efforts of the United Nations Protection Force in performing its duties in the territory of the Republic of Croatia, and in this regard emphasizes the importance of its role for the overall peace process and for the success of the peaceful reintegration of Serbian-controlled territories of Croatia;

10. Calls for full respect of the cease-fire agreements in the territory of Croatia, and urges the resumption of direct negotiations in close cooperation with the International Conference on the Former Yugoslavia;

11. Requests the Secretary-General to submit to the General Assembly at its fiftieth session a comprehensive report on the implementation of the present resolution.